

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

GREGORY JOE EDWARDS,	)	
	)	
Plaintiff,	)	
	)	
-vs-	)	Case No. CIV-08-134-F
	)	
JOHN WHETSEL, OKLAHOMA	)	
COUNTY DISTRICT COURT,	)	
OKLAHOMA BOARD OF COUNTY	)	
COMMISSIONERS,	)	
	)	
Defendants.	)	

**ORDER**

On December 12, 2008, United States Magistrate Judge Valerie K. Couch issued a Report and Recommendation (doc. no. 70), wherein she recommended that plaintiff's claims pursuant to 42 U.S.C. § 1983 against defendant, District Court of Oklahoma County, be dismissed *sua sponte* pursuant to 28 U.S.C. §§ 1915A(b) and 1915(e)(2)(B); that the motion to dismiss of defendant, Board of County Commissioners of Oklahoma County, be granted; that the motion to dismiss of defendant, Sheriff John Whetsel, be treated as a motion for summary judgment and that summary judgment be granted in favor of defendant as to plaintiff's § 1983 claims against defendant regarding a judicial determination of probable cause following his warrantless arrest and as to plaintiff's § 1983 claims against defendant

regarding alleged unconstitutional conditions of confinement and that the latter claims be dismissed without prejudice for failure to exhaust administrative remedies.<sup>1</sup>

In the Report and Recommendation, Magistrate Judge Couch additionally recommended that plaintiff's Motion to Amend and Add Parties, Motion to Amend Relief Requested, Motion for Extraordinary Writ, Motion for Appointment of Counsel, Motion for Department of Justice Intervention, Motion for Order Allowing Plaintiff to Proceed With Discovery and Application for Immediate Relief be denied.

On January 29, 2009, the court entered an order directing the clerk of the court to send a copy of the Report and Recommendation to plaintiff at his new address and granting plaintiff until February 17, 2009 to file an objection to the Report and Recommendation.

Presently before the court is plaintiff's objection<sup>2</sup> to the Report and Recommendation. The court has conducted a *de novo* review of the matter pursuant to 28 U.S.C. § 636(b)(1). Having done so, the court agrees with the analysis and recommendation of Magistrate Judge Couch. The court finds plaintiff's objection to be without merit. The court accepts, adopts, and affirms the Report and Recommendation.

Accordingly, the Report and Recommendation issued by United States Magistrate Judge Valerie K. Couch on December 12, 2008 (doc. no. 70) is **ACCEPTED, ADOPTED** and **AFFIRMED**. Plaintiff's claims pursuant to 42 U.S.C. § 1983 against defendant, District Court of Oklahoma County, are dismissed *sua*

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<sup>1</sup> In the Report and Recommendation, Magistrate Judge Couch also recommended that, to the extent plaintiff alleged additional § 1983 claims against defendant relating to his arrest, the claims should be dismissed for failure to state a claim upon which relief may be granted.

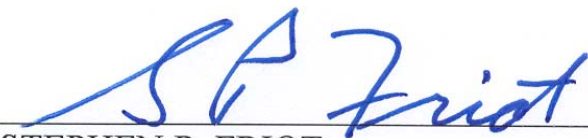
<sup>2</sup> The objection is entitled "Motion to Demur and Dismiss Report and Recommendation With Notice of Intent to Appeal With Brief in Support." *See*, doc. no. 75.

*sponte* pursuant to 28 U.S.C. §§ 1915A(b) and 1915(e)(2)(B). The motion to dismiss of defendant, Board of County Commissioners of Oklahoma County, filed July 22, 2008 (doc. no. 37) is **GRANTED** and plaintiff's § 1983 claims against defendant are dismissed pursuant to Rule 12(b)(6), Fed. R. Civ. P. The motion to dismiss of defendant, Sheriff John Whetsel, filed July 22, 2008 (doc. no. 37), is treated as a motion for summary judgment and summary judgment under Rule 56, Fed. R. Civ. P., is **GRANTED**. Plaintiff's § 1983 claims against defendant, Sheriff John Whetsel, regarding alleged unconstitutional conditions of confinement are dismissed without prejudice for failure to exhaust administrative remedies.

Plaintiff's Motion to Amend and Add Parties, filed March 12, 2008 (doc. no. 20), Plaintiff's Motion to Amend Relief Requested, filed March 18, 2008 (doc. no. 21), Plaintiff's Motion for Extraordinary Writ, filed May 30, 2008 (doc. no. 32), Plaintiff's Motion for Appointment of Counsel, filed August 28, 2008 (doc. no. 54), Plaintiff's Motion for Department of Justice Intervention, filed September 2, 2008 (doc. no. 55), Plaintiff's Motion for Order Allowing Plaintiff to Proceed With Discovery, filed October 6, 2008 (doc. no. 62), and Plaintiff's Application for Immediate Relief, filed December 4, 2008 (doc. no. 69), are **DENIED**.

In light of the court's rulings, Plaintiff's "Motion Pursuant to National Supremacy Cause/ Stare Decisis," filed December 12, 2008 (doc. no. 71), is also **DENIED**.

DATED February 13, 2009.

  
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 STEPHEN P. FRIOT  
 UNITED STATES DISTRICT JUDGE